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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,360	08/20/2003	Michael Sciarra	PGS100001000	6408
22891	7590	02/14/2005	EXAMINER PHAM, LAM P	
DELIO & PETERSON 121 WHITNEY AVENUE NEW HAVEN, CT 06510			ART UNIT 2636	
PAPER NUMBER				

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,360

Applicant(s)

SCIARRA, MICHAEL

Examiner

Lam P Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-24 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the band" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Pennock (US 5,074,251) in view of Gokey (US 5,523,927).

Regards claim 1, Pennock discloses an illuminated pet collar comprising:

a length of flexible tubing (40) having a fastener adapted to be secured around the neck of an animal, at least a portion (58) of the tubing being clear;
an electrical cable extended within the tubing having therein at least two

electrical conductors (50, 52), the cable further having thereon, at spaced intervals, a plurality of lights (42) electrically connected to the conductors, the cable and lights being hermetically sealed inside the tubing and the lights being visible through the clear portion of the tubing;

a battery (14) attached to the tubing and electrically connected to conductors in the cable for powering the lights; and

a switch (26) attached to the tubing for electrically connecting and disconnecting the battery from the lights; see Figures 1-3; col. 2, lines 13-68; col. 3, lines 1-28.

However, Pennock fails to disclose the cable is a ribbon cable and the lights are light emitting diodes.

Gokey teaches of an animal collar comprising a plurality of LED' s (8) connected to a pair of parallel conductors (13, 14) as seen in Figures 1-2; col. 3, lines 1-50.

It has been known to use a ribbon cable having at least two parallel conductors for providing power to the lights since ribbon cable is well known for its strength, compactness and flexibility.

Thus, it would have been obvious to one of ordinary skilled in the art to make use of Gokey' s teaching to implement light emitting diodes and ribbon cable in the pet collar of Pennock in order to increase flexibility, strength and power efficiency.

Regards claim 2, in view of Gokey and Pennock' s teaching, the light emitting diodes are directly connected to the conductors in the ribbon cable.

Regards claim 3, Pennock fails to disclose the light emitting diodes each having a field of view less than about 60 degree. However, Gokey teaches of light emitting diodes each having a field of view less than about 60 degree and at least one LED will be visible from any given orientation as seen in Figure 3; col. 3, lines 5-10.

In view of Gokey' s teaching, it would have been obvious to one of ordinary skilled in the art to have LED's arranged such that each having a field of view less than about 60 degree and at least two diodes are visible to an observer.

Regards claim 4, in view of Pennock and Gokey teaching, it would have been obvious to one of ordinary skilled in the art to realize that the strain along the length of the flexible tubing is not transmitted to the cable within in order to reduce damage to light circuit as a result of bending the tube.

Regards claim 5, Pennock discloses a battery compartment for holding the battery, the battery compartment having sufficient clearance between the battery and walls of the compartment to avoid wetting of the batter as seen in Figure 1.

In addition, one of ordinary skilled in the art would make the battery compartment water weather proof to prevent short circuit or damage to the device.

5. Claims 6 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Pennock (US 5,074,251) in view of Greear, Jr. (US 5,603,094)

Regards claim 6, Pennock fails to disclose an antenna and a radio transmitter secured to the collar adapted to transmit a radio signal.

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Greear, Jr. in animal tracking system teaches of a transmitter unit (10) being attachable to any animal's collar (4) for transmitting a radio signal through an antenna (not shown) for locating and tracking of an animal as seen in Figures 1-3; col. 3, lines 12-39. In view of Greear, Jr. teaching, it would have been obvious to one of ordinary skilled in the art to attach a transmitting unit to the collar in realizing that the combination of illuminated pet collar and transmitter unit would greatly improve the functionality of the pet collar both for animal tracking and locating in the dark or poor light environment.

Regards claim 8, Pennock fails to disclose an RF signal receiver adapted to determine direction or distance of the collar with respect to the receiver.

However, Greear, Jr. teaches of a RF receiver (14) in combination with the transmitter unit (10) for receiving signals from the transmitter to determine direction of the collar with respect to the receiver as seen in Figures 1 and 3; col. 3, lines 56-67 and col. 4, lines 1-21.

Allowable Subject Matter

6. Claims 9-24 allowed.
7. Claims 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heyman et al. (US 5046456) disclose illuminated collar.

Tangen (US 5535106) discloses high visibility animal collar.

Secker (US 5952925) discloses collar for a cat.

Lemnell (US 5900818) discloses an animal tracking system.

Skelton (US 60670818) disclose a lost pet notification system.

Smierciak et al. (US 6557498) disclose a night safety pet collar.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham
Feb 2, 2005.



JEFFERY HOFSSASS
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